

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

NIKKI WHITE GOLIGHTLY,
INDIVIDUALLY AND AS
REPRESENTATIVE OF THE ESTATE
OF CHARLES RAY GOLIGHTLY,
DECEASED
Plaintiff,

V.

SWIFT TRANSPORTATION CO. OF
ARIZONA, LLC
Defendant.

Civil Action No. 3:17-cv-2257

NOTICE OF REMOVAL

TO THE HONORABLE COURT:

COMES NOW Defendant, Swift Transportation Co. of Arizona, LLC, and files its Notice of Removal, and would respectfully show unto the Court as follows:

I. PROCEDURAL HISTORY

1. Plaintiff filed suit in Cause No. DC-17-09096, in the 14th Judicial District Court of Dallas County, Texas on or about July 26, 2017. Defendant Swift Transportation Co. of Arizona, LLC was served with a copy of Plaintiff's Original Petition on August 16, 2017. Defendant Swift Transportation Co. of Arizona, LLC filed a timely answer on August 23, 2017.

2. Defendant has filed this Notice of Removal within the time period required by 28 U.S.C. § 1446(b).

II. NATURE OF THE SUIT

3. Plaintiff alleges that on or about December 2, 2015, she sustained damages as a

result of a motor vehicle accident that occurred in LaSalle County, Texas, and which resulted in the death of her husband, Charles Ray Golightly.

4. According to Plaintiff's Original Petition, Plaintiff is a citizen of the State of Louisiana who resides in Shreveport, Caddo Parrish, Louisiana. Accordingly, at the time of filing Defendant's Notice of Removal, Plaintiff is a citizen of the State of Louisiana.

5. At the time of the subject accident, at the time of the filing of Plaintiff's Original Petition, and at the time of filing Defendant's Notice of Removal, Defendant Swift Transportation Co. of Arizona, LLC was a company with its principal place of business at 2200 S. 75th Avenue, Phoenix, Maricopa County, Arizona 85043. *See* Affidavit of Anne Rowell, attached hereto as Exhibit A.

6. At the time of the subject accident, at the time of the filing of Plaintiff's Original Petition, and at the time of filing Defendant's Notice of Removal, Defendant Swift Transportation Co. of Arizona, LLC was a foreign limited liability corporation organized under the laws of the State of Delaware and whose principal place of business is in the State of Arizona.

III. **BASIS FOR REMOVAL**

7. Removal is proper because there is complete diversity of citizenship between Plaintiff and Defendant.

8. Plaintiff is an individual who at the time of the subject accident, at the time the lawsuit was filed, and at the time of filing the Defendant's Notice of Removal was residing in Shreveport, Caddo Parrish, Louisiana and is a citizen of the State of Louisiana.

9. Defendant Swift Transportation Co. of Arizona, LLC is a foreign limited liability corporation who at the time of the subject accident, at the time the lawsuit was filed and at the

time of filing the Defendant's Notice of Removal was organized under the laws of the State of Delaware and whose principal place of business is in the State of Arizona.

10. As conveyed in Plaintiff's Original Petition, the amount in controversy exceeds \$75,000.00, exclusive of interests, costs, and attorneys' fees.

VI.
VENUE AND JURISDICTION

11. Venue for this removal is proper in this district under 28 U.S.C. § 1441(a) because this district and division embrace the place in which the removed action has been pending.

12. This Court has jurisdiction of this action by virtue of the provisions of 28 U.S.C. § 1332 in that this is a case of diversity of citizenship between the parties with the amount in controversy exceeding \$75,000.00, exclusive of interest and costs.

VII.
**DEFENDANT'S NOTICE OF REMOVAL
IS PROCEDURALLY CORRECT**

13. Defendant has attached to this notice all process, pleadings and orders filed in the state court action as required by 28 U.S.C. §1446(a). (*See Exhibit B, Index of Matters Being Filed*)

VIII.
JURY DEMAND

14. Defendant Swift Transportation Co. of Arizona, LLC made a demand for a jury trial in State District Court.

IX.
NOTICE TO STATE COURT

15. Defendant will promptly file a copy of this Notice of Removal with the Clerk of the State Court in which this action is pending.

Respectfully submitted,

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**ATTORNEYS FOR DEFENDANT
SWIFT TRANSPORTATION CO. OF
ARIZONA, LLC**

CERTIFICATE OF SERVICE

I hereby certify that the foregoing has been electronically filed with the Clerk of the Court using the CM/ECF system which will send notification of such filing and has been sent via facsimile to the following:

VIA FACSIMILE: 817/288-8999

John S. Jose
SLACK & DAVIS, LLP
100 Lexington Street, Suite 070
Fort Worth, Texas 76102

VIA FACSIMILE: 817/332-3148

Robert Haslam
HASLAM & GALLAGHER
555 South Summit Avenue
Fort Worth, Texas 76104

and in accordance with the Federal Rules of Civil Procedure, on this 24th day of August, 2017.

/s/ Lynn S. Castagna
Lynn S. Castagna